

DEPARTMENT OF COMMERCE**International Trade Administration**

[A-428-801]

Ball Bearings and Parts Thereof from Germany: Initiation of Antidumping Duty Changed-Circumstances Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request for a changed-circumstances review from myonic GmbH and pursuant to section 751(b) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 351.221(c)(3), the Department of Commerce is initiating a changed-circumstances review of the antidumping duty order on ball bearings and parts thereof from Germany.

EFFECTIVE DATE: March 11, 2008.

FOR FURTHER INFORMATION CONTACT:

Janis Kalnins at (202) 482-1392 or Richard Rimlinger at (202) 482-4477, AD/CVD Operations, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:**Background**

The Department of Commerce (the Department) published antidumping duty orders on ball bearings, cylindrical roller bearings, and spherical plain bearings and parts thereof from Germany on May 15, 1989. See *Antidumping Duty Orders: Ball Bearings, Cylindrical Roller Bearings, and Spherical Plain Bearings and Parts Thereof From the Federal Republic of Germany*, 54 FR 20900 (May 15, 1989). The orders on cylindrical roller bearings and spherical plain bearings and parts thereof from Germany have been revoked. See *Revocation of Antidumping Duty Orders on Certain Bearings From Hungary, Japan, Romania, Sweden, France, Germany, Italy, and the United Kingdom*, 65 FR 42667 (July 11, 2000).

On January 31, 2008, myonic GmbH (myonic) informed the Department that Miniaturkugellager Gesellschaft mit beschränkter Haftung (MKL) had changed its name to myonic and that all stock of myonic was purchased by myonic Holding GmbH. Myonic has asked the Department to initiate and conduct a changed-circumstances review to confirm that myonic is the successor-in-interest to MKL for purposes of determining antidumping-duty liabilities subject to this order. We have not received any comments on myonic's request.

Scope of the Order

The products covered by this order are ball bearings and parts thereof. These products include all bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following *Harmonized Tariff Schedules of the United States* (HTSUS) subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.2580, 8482.99.35, 8482.99.6595, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.6060, 8708.70.8050, 8708.93.30, 8708.93.5000, 8708.93.6000, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.4960, 8708.99.50, 8708.99.5800, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90.

As a result of recent changes to the Harmonized Tariff Schedule, effective February 2, 2007, the subject merchandise is also classifiable under the following additional HTS item numbers: 8708.30.5090, 8708.40.7500, 8708.50.7900, 8708.50.8900, 8708.50.9150, 8708.50.9900, 8708.80.6590, 8708.94.75, 8708.95.2000, 8708.99.5500, 8708.99.68, and 8708.99.8180.

Initiation of Changed-Circumstances Review

Pursuant to section 751(b)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216, the Department will conduct a changed-circumstances review upon receipt of information concerning, or a request from an interested party for a review of, an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order.

As indicated in the Background section, we have received the information that MKL changed its name to myonic and that all stock of myonic was purchased by myonic Holding GmbH. The information submitted by myonic claiming that it is the successor-in-interest to MKL demonstrates changed circumstances sufficient to warrant such a review. See 19 CFR 351.216(d).

In a changed-circumstances review involving a successor-in-interest determination, the Department typically

examines several factors including, but not limited to, changes in the following: (1) management; (2) production facilities; (3) supplier relationships; (4) customer base. See *Certain Cut-to-Length Carbon Steel Plate from Romania: Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review*, 70 FR 22847 (May 3, 2005). While no single factor or combination of factors will necessarily be dispositive, generally the Department will consider the new company to be the successor to the predecessor if the resulting operations are essentially the same as those of the predecessor company. See, e.g., *Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain Forged Stainless Steel Flanges from India*, 71 FR 327 (January 4, 2006). Thus, if the record demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash-deposit rate of its predecessor. See, e.g., *Fresh and Chilled Atlantic Salmon from Norway: Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979, 9980 (March 1, 1999).

Therefore, in accordance with section 751(b)(1) of the Act and 19 CFR 351.216 and 351.221(c)(3), the Department is initiating a changed-circumstances review to determine whether myonic is the successor-in-interest to MKL. Although myonic submitted documentation relating to its name and status change from MKL to myonic, it did not provide certain supporting documentation for the elements listed above. Accordingly, the Department does not consider the information sufficient to make a preliminary finding and has determined that it would be inappropriate to expedite this action by combining the preliminary results of review with this notice of initiation, as permitted under 19 CFR 351.221(c)(3)(ii). As a result, the Department is not issuing preliminary results for this changed-circumstances review at this time.

Therefore, in accordance with 19 CFR 351.221(b)(2) and (4) and 19 CFR 351.221(c)(3)(i), we will issue a questionnaire requesting factual information for the review and will publish a notice of preliminary results of the antidumping duty changed-circumstances review in the **Federal Register**. The notice will set forth the factual and legal conclusions upon which our preliminary results are based. Pursuant to 19 CFR 351.221(b)(4)(ii),

interested parties will have an opportunity to comment on the preliminary results of this review.

This notice of initiation is in accordance with section 751(b)(1) of the Act, 19 CFR 351.216(b) and (d), and 19 CFR 351.221(b)(1).

Dated: March 5, 2008.

Stephen J. Claeys,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-046]

Polychloroprene Rubber From Japan: Notice of Initiation and Preliminary Results of Changed Circumstances Review, and Intent To Revoke Antidumping Duty Finding in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On January 23, 2008, the Department of Commerce (the Department) received a request on behalf of the petitioner, DuPont Performance Elastomers L.L.C. (DPE)¹ for a changed circumstances review and a request to revoke, in part, the antidumping duty (AD) finding on certain polychloroprene rubber products from Japan.

EFFECTIVE DATE: March 11, 2008.

FOR FURTHER INFORMATION CONTACT: Douglas Kirby, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; *telephone:* (202) 482-3782.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1973, the Department of Treasury published in the **Federal Register** (38 FR 33593) the antidumping finding on polychloroprene rubber (PCR) from Japan. On January 23, 2008, DPE requested revocation in part of the AD finding with respect to solid polychloroprenes that are dipolymers of chloroprene and methacrylic acid having methacrylic acid comonomer content in the 1.0 percent to 5.0 percent range (this category does *not* include

¹ DPE is the sole petitioner in this antidumping proceeding. See *Polychloroprene Rubber From Japan: Final Results of the Expedited Sunset Review of the Antidumping Finding*, 69 FR 64276 (November 4, 2004).

aqueous chloroprene/methacrylic acid dipolymer dispersion products or solvent solutions of chloroprene/methacrylic acid dipolymers). In its January 23, 2008 submission, DPE stated that it no longer has any interest in antidumping relief from imports of such PCR with respect to the subject merchandise defined in the "Scope of the Finding" section below. Interested parties are invited to comment on these preliminary results.

Scope of the Finding

Imports covered by this finding are shipments of polychloroprene rubber, an oil resistant synthetic rubber also known as polymerized chlorobutadiene or neoprene, currently classifiable under items 4002.42.00, 4002.49.00, 4003.00.00, 4462.15.21 and 4462.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). HTSUS item numbers are provided for convenience and customs purposes. The Department's written description of the scope remains dispositive.

Initiation and Preliminary Results of Changed Circumstances Review, and Intent To Revoke Antidumping Finding in Part

Pursuant to section 751(d)(1) of the Tariff Act of 1930, as amended (the Act), the Department may revoke, in whole or in part, an antidumping finding based on a review under section 751(b) of the Act (*i.e.*, a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Pursuant to section 782(h)(2) of the Act and 19 CFR 351.222(g), the Department will conduct a changed circumstances review under 19 CFR 351.216 and may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product to which the order (or the part of the order to be revoked) pertains have expressed a lack of interest in the relief provided by the order, in whole or in part. In addition, in the event that the Department concludes that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits the Department to combine the notices of initiation and preliminary results.

In this case, the Department finds that the information submitted by Petitioner provides sufficient evidence of changed circumstances to warrant a review. See 19 CFR 351.216(d). DPE is the sole petitioner and domestic producer of PCR, and therefore accounts for all of the production of the domestic like

product to which the order pertains.² In addition, DPE affirms that it is no longer interested in the inclusion of the above products within the scope of the antidumping findings. See DPE's January 23, 2008 submission at page 2. Therefore, in accordance with sections 751(b)(1) and 751(d)(1) of the Act, and 19 CFR 351.216 and 351.222(g), and based on the information provided by DPE, the Department is initiating a changed circumstances review of PCR from Japan to determine whether partial revocation of the AD finding is warranted with respect to the aforementioned certain PCR products from Japan. Furthermore, in accordance with 19 CFR 351.221(c)(3)(ii), we have determined that expedited action is warranted. Our decision to expedite this review stems from the fact that the sole petitioner and domestic producer of the subject merchandise, DPE, has requested expedited action. Because we have concluded that expedited action is warranted, we are combining these notices of initiation and preliminary results.

Based on the expression of no interest by the sole domestic producer, the Department has preliminarily determined that producers accounting for substantially all of the production of the domestic like product have no further interest in the continued application of the AD finding on PCR that is subject to this request. See section 782(h)(2) of the Act. Therefore, we are notifying the public of our intent to revoke, in part, the AD finding as it relates to imports of certain PCR products from Japan.

Accordingly, the Department intends to amend the scope of the finding on PCR from Japan to read as follows: Imports covered by this review are shipments of polychloroprene rubber, an oil resistant synthetic rubber also known as polymerized chlorobutadiene or neoprene, currently classifiable under items 4002.42.00, 4002.49.00, 4003.00.00, 4462.15.21 and 4462.00.00 of the Harmonized Tariff Schedule of the United States (HTSUS). HTSUS item numbers are provided for convenience and customs purposes. The Department's written description of the scope remains dispositive.

In addition, the following type of polychloroprene rubber is excluded from the scope of the finding: solid polychloroprenes that are dipolymers of chloroprene and methacrylic acid having

² DuPont has been the sole U.S. producer of polychloroprene rubber since 1998, when Bayer Group closed its polychloroprene rubber plant in Houston, Texas. See *Polychloroprene Rubber from Japan*, Inv. No. AA-1921-129 (Second Review), U.S. ITC Pub. 3786, at 4-5 (June 2005).